

REMARKS

The present application has been reviewed in light of the Office Action dated April 25, 2008. Claims 1-25 are presented for examination, of which Claims 1, 9, and 22 are in independent form. Claims 1, 9-11, 13, 15-20, 22, and 23 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 9-21 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The preamble of Claim 9 has been amended to recite a "computer system," and the phrase "selection criteria engine" has been amended to recite "selection system." Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

The Office Action states that Claims 1, 3, 5-14, and 16-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0117302 (*Weichert et al.*); and that Claims 2, 4, 15, and 20-25 are rejected under § 103(a) as being unpatentable over *Weichert et al.* in view of U.S. Patent Application Publication No. 2004/0049452 (*Blagg*). Applicant submits that independent Claims 1, 9, and 22, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a method for facilitating use of a transaction account. The method includes establishing a first transaction account and a second transaction account, wherein the first and second transaction accounts are respectively associated with first and second transaction account identifiers. The first and second transaction account identifiers are associated with a common account identifier. The common account identifier is received at a transaction processing system and is recognized as being

associated with more than one account. The method further includes determining, based on selection criteria, at least one of the first and second transaction accounts to access for processing the transaction, resulting in a selected transaction account, wherein the selection criteria include at least one of biometric input differentiation and personal identification number differentiation. The selected transaction account is accessed, and the transaction is processed via the selected transaction account.

An important feature of Claim 1 is that “said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts.” By virtue of this feature, a transaction processing system is able to determine which of a plurality of accounts to use to process a transaction.

Weichert et al. relates to payment systems for transferring money between parties, including a point of sale terminal that may display a list of accounts for selection by a user (paragraph 32). Nothing has been found in *Weichert et al.* that is believed to teach or suggest that “said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts,” as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is not anticipated by *Weichert et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claim 9 includes a feature similar to that discussed above, in which selection criteria include at least one of biometric input differentiation and personal identification number differentiation.

Therefore, independent Claim 9 is believed to be patentable for at least the reasons discussed above.

Blagg relates to systems and methods for using financial products linked to a plurality of accounts to consummate financial transactions. Apparently, the *Blagg* system accesses a rule set associated with a presentation instrument to determine to which account to apply a transaction, and that the rule set may be defined to maximize one or more features associated with one or more of the associated accounts (paragraph 10). Nothing has been found in *Blagg* that is believed to teach or suggest that “said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts,” as recited in Claim 22.

Applicant submits that a combination of *Weichert et al.* and *Blagg*, assuming such combination would even be permissible, would fail to teach or suggest that “wherein said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts,” as recited in Claim 22.

Accordingly, Applicant submits that Claim 22 is patentable over the cited art, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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